

EASTERN DISTRICT OF TEXAS

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CIVIL ACTION NO. 1:12-CV-270

A party who files timely written objections to a magistrate judge's report and recommendation is entitled to a de novo determination of those findings or recommendations to which the party specifically objects. 28 U.S.C. § 636(b)(1)(c); FED. R. CIV. P. 72(b)(2)–(3). "Parties filing objections must specifically identify those findings [to which they object]. Frivolous, conclusive or general objections need not be considered by the district court." *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by*

Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc). In the Plaintiffs' objection, they do not identify any specific issue of law or fact, among those set forth in the magistrate judge's report and recommendation, with which they disagree. Therefore, the Plaintiffs' objection fails to invoke their right to a de novo review of the report and recommendation. Nonetheless, the Court has undertaken a de novo review of the report and recommendation, and the Court concludes that the magistrate judge's findings and conclusions are correct. *See Douglass*, 79 F.3d at 1429 (noting that a district court may alternatively find the magistrate judge's findings and conclusions were correct even though a party did not properly object to the report and recommendation).

The Plaintiffs' objection (Doc. No. 22) is **OVERRULED**; the magistrate judge's report and recommendation (Doc. No. 20) is **ADOPTED**; the Defendants' "Motion to Dismiss" (Doc. No. 7) is **GRANTED**; and this lawsuit is **DISMISSED with prejudice**. Final judgment will be entered separately.

SIGNED at Beaumont, Texas, this 7th day of January, 2013.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE